

OGC HAS REVIEWED.

6 APR 1956

**MEMORANDUM FOR: The Attorney General****ATTENTION : Mr. Victor C. Wearheide****SUBJECT : Authentication of Office of Strategic Services' Documents**

1. The Office of Strategic Services was terminated by Executive Order 9621, dated 20 September 1945. The functions of the Research and Analysis Branch and of the Presentation Branch, Office of Strategic Services, were transferred to the Department of State and the records of those Branches, with certain exceptions, were also transferred to the Department of State. All other functions of the Office of Strategic Services, together with all personnel records, property, and funds, not transferred to State were transferred to the Department of War.

2. On 27 September 1945 the Secretary of War created the Strategic Services Unit under the Assistant Secretary of War. On 29 January 1946 the Secretary of War directed the Strategic Services Unit to support the Central Intelligence Group which had been created by the President on 22 January 1946. Property and records of the Strategic Services Unit required by the Director of Central Intelligence were directed to be transferred to the Office of the Secretary of War but were placed under the operational control of the Director of Central Intelligence.

3. In November 1946 certain properties of the Strategic Services Unit were transferred to the Central Intelligence Group, but these properties were limited to those set forth in an inventory. This inventory specified only certain items of personal property and office furniture and did not include records. In 1950 the Department of the Army confirmed that the Central Intelligence Agency should continue handling any matters still related to the Strategic Services

Unit, which had been liquidated but continued for purposes of correspondence and answers to inquiries. There is, however, no document indicating any technical transfer of Strategic Services Unit records from the Department of War or the Department of the Army to the Central Intelligence Group or the Central Intelligence Agency.

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4. The only case known to this Office where the question has arisen before was in connection with United States ex rel. [redacted]

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[redacted] District Director of Immigration and Naturalization, District Court, S. D. New York. Decided

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[redacted] This was a habeas corpus proceeding challenging an order of deportation. The [redacted]

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[redacted] had defected to the Office of Strategic Services in [redacted] and had been turned over to Immigration and Naturalization in this country. Most of the pertinent information about the background of their defection and entry into the United States was in classified files of the Office of Strategic Services. The habeas corpus action arose in 1947 and the United States Attorney for the Southern District of New York requested the pertinent records of the Office of Strategic Services in support of the deportation order. Although, as noted above, operational control of the records had been placed by the Secretary of War in the Director of Central Intelligence, the Director of Strategic Services wrote to the Attorney General on behalf of the Strategic Services Unit declassifying the records requested. The Strategic Services Unit then sent the records to the United States Attorney in New York with the authenticating seals of the War Department.

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5. The present situation seems parallel to the [redacted] matter. Since the Department of the Army confirmed that the Central Intelligence Agency should handle Strategic Services Unit matters, the matter of classification was properly for consideration by this Office. However, the technical status of the records appears to be the same as it was in 1947 and, therefore, the authenticating seals should be those of the Department of the Army.

S/

LAWRENCE R. HOUSTON  
General Counsel

OGC:LRH:jeb

cc: [redacted]

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Litigation Division  
Office of the Judge Advocate General  
Department of the Army  
Washington 25, D. C.  
Director of Security  
Executive Officer/SSU

OGC chrono

✓ subject [redacted]

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